

REMARKS

In the Office Action, claim 21 is objected to because of informalities.

In the Office Action, claims 15, 16, and 18-21 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0208241 to Bradley et al.

In the Office Action, claims 1-12 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bradley et al., or alternatively over Bradley et al. in view of Chen et al.

In the Office Action, claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bradley et al. in view of U.S. Patent No. 6,058,328 to Levine et al., or over Bradley et al. in view of Chen et al. and in further view of Levine et al.

In the Office Action, claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response thereto, claims 20 and 21 have been cancelled and claim 15 has been amended. Accordingly, claims 1-19 are now pending. Following is a discussion of the patentability of each of the pending claims.

Independent Claim 1

Without addressing the merits of the rejection of claim 1, in accordance with the American Inventors Protection Act, the Bradley et al. reference does not qualify as prior art for a rejection under 35 U.S.C. §103(a) via 35 U.S.C. §102(e) because the present application has been filed on or after November 29, 1999 and the subject matter of the Bradley et al. reference and the pending claims were, at the time the invention was made, subject to an obligation of assignment to the same organization. Accordingly, the Bradley et al. reference no longer qualifies as prior art under 35 USC §103(a) via 35 USC §102(e) and it is respectfully submitted that claim 1 is in condition for allowance.

Dependent Claims 2-14

Claims 2-14 depend from claim 1 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 15

The cited references (Bradley et al., Chen et al., and Levine et al.) do not disclose or suggest 1) an overdrive pacing unit operative to deliver overdrive pacing pulses to the heart for preventing a tachycardia, the overdrive pacing pulses delivered to the heart if no intrinsic depolarization is detected during an overdrive pacing escape interval, and 2) a capture-based tachycardia detection unit operative to detect a tachycardia based upon loss of capture of overdrive pacing pulses. It appears that some of the cited references are directed to detecting a tachycardia based upon loss of capture of non overdrive pacing pulses. Accordingly, it is respectfully submitted that claim 15 is in condition for allowance.

Dependent Claims 16-19

Claims 16-19 depend from claim 17 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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